

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

**ADMINISTRATIVE PROCEDURES FOR
ELECTRONIC FILING IN CIVIL AND CRIMINAL CASES**

I. GENERAL INFORMATION

A. EFFECTIVE DATE

Electronic filing is mandatory, unless otherwise permitted by these administrative procedures, by a general order of the Court, or by authorization of the Judge. All documents filed in Civil and Criminal cases in this District on or after July 12, 2004, no matter when a case was originally filed, shall be filed electronically.

B. OFFICIAL RECORD

The official court record is the electronic file maintained on the Court's server and any physical item or document permitted to be filed in paper format. When a document filed in paper format is scanned and uploaded to the Court's server, the electronic file shall constitute the official record.

However, the following exceptions apply:

1. Civil Case: A complaint, notice of removal, civil cover sheet, and summons are governed by paragraph II A 2 and 4a of these procedures.
2. Criminal Case: A charging document in a criminal case is governed by paragraph II A 3 of these procedures. A document filed in a criminal case relating to a juvenile defendant shall not be filed electronically unless the Court orders the juvenile tried as an adult.
3. Social Security Case: A Social Security case is governed by paragraph III D of these procedures.
4. Sealed Document: A document filed under seal will be maintained in paper format and will not be filed electronically unless the assigned Judge orders the document unsealed. Also see paragraphs III A and B of these procedures.

5. Original Transcript: The original transcript of an official court proceeding in the Middle District of Florida when filed by the official court reporter or a contract court reporter of the Court shall be filed in paper format.

C. AMENDMENT OF PROCEDURES

These procedures may be amended by the Court at any time without prior notice.

D. LOGIN AND PASSWORD

1. Attorneys Admitted to Practice in this Court: Upon a proper request, the Clerk shall assign one login and password to each attorney admitted to practice and in good standing in the Middle District or specially admitted pursuant to Local Rule 2.02(a). To request a login and password from the Clerk, an attorney must complete and return to the Clerk an "Electronic Filing Registration Form." The form appears on the Court's web site at www.flmd.uscourts.gov, is available in the clerk's office, and is attached to this policy. The Clerk will serve the attorney's login and password on the attorney using the attorney's e-mail address or by first-class mail unless the attorney arranges receipt by other means agreeable to the Clerk. The assigned login and password enable the attorney to retrieve and file a document electronically and to receive a notice of electronic filing.
2. Use of Login and Password: An attorney assigned a login and password is responsible for any document filed with the attorney's login and password.
3. Changing Password: An attorney may change the password. If the security of a password is compromised, the attorney shall change the compromised password immediately.
4. Change of Attorney's Contact Information: If an attorney's e-mail address, mailing address, telephone number, or fax number changes, the attorney shall immediately change the contact information at www.flmd.uscourts.gov.
5. Login and Password Termination: An attorney may terminate the login and password by notifying the Clerk at www.flmd.uscourts.gov. The notice of termination is effective upon receipt by the Clerk but withdrawal as counsel of record in a case may occur only with leave of Court.

E. CHALLENGE TO AUTHORITY TO FILE ELECTRONICALLY

Any party or attorney of record challenging the authority to file a document electronically must file an objection to the document within eleven days of service of the document.

F. DEPARTURE FROM PROCEDURES

The Clerk or any Judge of this Court may depart from these procedures without prior notice if deemed appropriate.

II. FILING AND SERVICE OF DOCUMENTS

A. FILING

1. In General:

- a. Electronic filing is mandatory. Any document in a case shall be filed electronically except as otherwise provided by these procedures or by court order.
- b. E-mailing a document to the Clerk or to the assigned Judge does not constitute filing the document.
- c. A document which exceeds five megabytes must be filed in components each of which must not exceed five megabytes.
- d. When scanning a document for electronic filing, the filer should configure the scanner at 300 dpi and black and white rather than color. The filer is responsible for ensuring that the scanned document is legible.
- e. A filer will receive a Notice of Electronic Filing which confirms the filing of the document and constitutes proof of filing.
- f. A document is deemed filed on the date it is transmitted electronically if filed prior to midnight Eastern Time.
- g. A document filed in paper format, disk or CD is deemed filed on the date received by the Clerk.

- h. A document considered to be an emergency must be brought to the attention of the clerk's office when filed. The filer must personally contact the appropriate divisional clerk's office.

2. Complaint, Notice of Removal or Other Initial Document in a Civil Case:

- a. The Clerk will accept a complaint, notice of removal or other initial document and the accompanying civil cover sheet submitted on a disk or CD mailed or delivered to the Clerk.
 - (1) If using a disk or a CD, the filer must submit the initial filing in .pdf format.¹
 - (2) The Clerk will scan and electronically file an initial filing submitted in paper format.
 - (3) The filing fee must accompany an initial filing.
- b. A copy of the state court record in a removed case must be filed electronically.

3. Charging Document in a Criminal Case:

A charging document in a criminal case (*e.g.*, indictment, superseding indictment, complaint, information) may be submitted in paper format or in .pdf format on a disk or CD. The Clerk will file electronically such document and retain the original document. This provision does not apply to a violation notice.

4. Summons and Warrant:

- a. Civil Case. A filer may submit a completed summons to the Clerk accompanied by a self addressed, stamped envelope.
- b. Criminal Case. The warrant or summons shall be presented to the Clerk for filing along with the charging document. The Clerk shall issue the warrant or summons to the United States Marshal for service.

5. Adding a Party:

¹ A document created with almost any word-processing program can be converted to .pdf. The .pdf program takes a picture of the original document and, once filed with the Court, it cannot be changed.

After the initial complaint in a civil case is filed, if a party files a document that adds a new party to the case (*e.g.*, an amended complaint, a third-party complaint, etc.), the filer shall add the party at the time the document is filed.

6. Notice of Appearance and Substitution of Counsel:

- a. Only an attorney of record who has appeared in a case will receive Notice of Electronic Filing. For an additional attorney to appear of record, that attorney must file an individual Notice of Appearance.
- b. A motion for entry of appearance of substitute counsel may only be filed by the attorney entering his or her appearance, not by the withdrawing attorney.

7. Filing Requiring Leave of Court:

If filing a document requires leave of Court (*e.g.*, an amended complaint, reply brief, etc.), the filer shall attach the proposed document to the motion as an exhibit (except as provided in Local Rule 3.01(d)). If the Court grants the motion, the filer may file the document electronically.

B. SERVICE

1. Service of Civil Complaint and Summons: A party may not electronically serve a complaint or summons but must effect service according to Federal Rules of Civil Procedure.
2. Notice of Electronic Filing: Whenever a document is filed electronically, a “Notice of Electronic Filing” is sent to the filer, to any other person who is a registered user in the case,² and to the assigned Judges.
3. Certificate of Service: A certificate of service must be included with each document filed electronically indicating how service was accomplished on each party. The filer must serve in accordance with the Federal Rules of Civil and Criminal Procedure a paper copy of any electronically filed document on a party not registered to file electronically. Sample language for a certificate of service is attached to these procedures as Form B.

²To determine whether another party is a registered user, the filer can select the “Utilities” category, click on “Mailing Information for a Case” on the pull-down menu, and enter the case number. The registered users in the case will then be listed.

4. Computation of Time: For the purpose of computation of time pursuant to applicable rules, electronic service is service by mail.

C. **SIGNATURES**

1. Attorney of Record Signature:

A pleading or other document requiring the signature of the attorney of record shall be signed in the following manner, whether filed electronically or submitted on disk to the Clerk: “s/ (attorney name):”

s/ John Doe

John Doe

Bar Number 12345

Attorney for (Plaintiff/Defendant) XYZ Company

ABC Law Firm

123 South Street

Orlando, FL 32800

Telephone: (407) 123-4567

Fax: (407) 123-5678

E-mail: J_doe@law.com

2. Multiple Attorney of Record Signatures:

The following procedure applies when a stipulation or other document (*e.g.*, a joint motion) requires the signatures of two or more attorneys of record:

- a. The filing attorney shall initially confirm that the content of the document is acceptable to all attorneys required to sign the document and shall obtain the signatures of all attorneys on the document. For purposes of this procedure, physical, facsimile, or electronic signatures are permitted.
- b. The filing attorney then shall file the document electronically or submit it to the clerk’s office on disk, indicating the signatories, (*e.g.*, “s/ Jane Doe,” “s/ John Smith,” etc.) for each attorney’s signature.

3. Other Signature:

If the document requires the signature of a person who is neither an attorney of record nor an authorized pro se filer, the filer or the Clerk shall scan the document with original signatures and then file it electronically. This

procedure includes any document notarized or signed under penalty of perjury.

D. FEES PAYABLE TO THE CLERK

Any fee payable to the Clerk shall be paid by check, money order, or cash. The Clerk will document the receipt of fees on the docket with a text-only entry. The Court will not maintain electronic billing or debit accounts.

E. ORDERS

1. Signature of Judge: An order may be signed by the Judge electronically or by hand. The Judge or the Clerk shall electronically file all orders.
2. Text Only Docket Entry: An order issued as a text only entry on the docket is official and binding. A text only docket entry by the Court will generate a notice of electronic filing but no .pdf document.
3. Mailing by Clerk: When the Clerk is required to mail a paper copy of an electronically filed order, the Clerk will include a copy of the notice of electronic filing.
4. Proposed Order: No proposed order shall be submitted unless authorized by the Court. If authorized, a proposed order shall be submitted as follows:
 - a. An electronically submitted proposed order shall not be combined with the motion into one document. The proposed order must be submitted by e-mail and refer to the document number of the motion. The Judge's e-mail address can be found at the Court's website: www.flmd.uscourts.gov.
 - b. Any proposed order must be submitted in a format compatible with WordPerfect. The Judge will not accept a proposed order in .pdf format.

F. TITLE OF DOCKET ENTRY

The registered user who electronically files a document is responsible for designating an appropriate docket entry title by using one of the docket event categories prescribed by the Court.

G. CORRECTING DOCKET ENTRY

Only the Court can correct a docket entry. If a document is filed incorrectly, the Clerk should be contacted.

H. **TECHNICAL FAILURE**

A filer whose filing is untimely as the result of a technical failure may seek appropriate relief from the Court.

I. **PRIVACY PROTECTION**

1. Redacted Filings:

Unless the court orders otherwise, an electronic filing made with the court that includes a social security number or an individual's tax identification number, a name of a person known to be a minor, a person's birth date, a financial account number, or the home address of a person may include only:

- a. The last four digits of the social security number and tax identification number;
- b. The minor's initials;
- c. The year of birth;
- d. The last four digits of the financial account number;
- e. The city and state of the home address.

2. Exemptions from the Redaction Requirement:

- a. In a forfeiture proceeding, a financial account number or real property address that identifies the property alleged to be subject to forfeiture;
- b. The record of an administrative or agency proceeding;
- c. The official record of a state-court proceeding;
- d. The record of a court or tribunal whose decision is being reviewed, if that record was not subject to redaction when originally filed;
- e. A filing made in an action brought under 28 U.S.C. § 2241, 2254, or

2255;

- f. A filing in relation to a criminal matter or investigation that is prepared before the filing of a criminal charge;
- g. An arrest or search warrant; and
- h. A charging document and an affidavit filed in support of any charging document

3. Filings Made Under Seal:

The court may order that a filing be made under seal without redaction. The court may later unseal the filing or order the person who made the filing to file a redacted version for the public record.

4. Protective Orders:

If necessary to protect private or sensitive information that is not otherwise protected, a court may by order in a case;

- a. require redaction of additional information; or
- b. limit or prohibit remote electronic access by a nonparty to a document filed with the court.

5. Option for Additional Unredacted Filing Under Seal:

A party making a redacted filing may also file an unredacted copy under seal. The court must retain the unredacted copy as part of the record.

6. Waiver of Protection of Identifiers:

A party waives the protection as to the party's own information to the extent that the party files such information not under seal and without redaction. The Clerk will not review each filing for redaction.

III. DOCUMENT FILED IN PAPER FORMAT

A. DOCUMENT FILED UNDER SEAL

A filer may, but is not required to, file electronically a motion or application to file a document under seal. A motion or application not filed electronically shall be presented in paper format to the Clerk along with a proposed order. If the motion or application is granted, the Judge will enter electronically the order authorizing the filing of the document in paper format under seal.

B. DOCUMENT FILED EX PARTE UNDER SEAL

An application to file a document ex parte under seal and all related ex parte documents shall be clearly designated ex parte and filed in paper format. If the application is granted, all ex parte sealed documents shall be filed in paper format.

C. PRO SE FILER

Unless authorized to file electronically, a pro se filer shall file any pleading and other paper in paper format. The Clerk will scan and file these papers electronically and will also maintain a paper file of such documents. If authorized by the assigned Judge, a party proceeding pro se may file electronically. If authorized to file electronically, the pro se filer must follow these procedures.

D. SOCIAL SECURITY CASE

Absent a showing of good cause, any document, notice, or order in a Social Security case shall be filed and noticed electronically, except the administrative record shall be filed and served in paper format. Because the administrative record will not be scanned, the Clerk will docket a text-only event stating that the administrative record is available in paper format at the clerk's office.

IV. EXHIBIT ATTACHED TO DOCUMENT

A. IN GENERAL

1. Size Limitation: Except as otherwise provided in these procedures, a filer shall electronically image, *i.e.*, “scan,” a paper exhibit filed as an attachment to a document that is less than five megabytes and submit the exhibit as a .pdf file.³
2. Scanner Configuration: A filer must configure the scanner to scan a document at 300 dpi and in black and white, rather than in color. An exhibit appearing in color in its original form, such as a color photograph, may be scanned in color and then filed.
3. Legibility: A filer must verify that a scanned exhibit is legible before the exhibit is filed electronically with the Court.
4. Previously Filed Document: A filer shall not attach as an exhibit any pleading or other document already on file with the Court in the case but should merely refer to the document.
5. Exemption: A filer may apply to the Court for an exemption from these procedures in exceptional circumstances.

B. VOLUMINOUS EXHIBIT

If the exhibit attached to any particular document is five megabytes or more, the document and exhibit must be filed according to the following procedure:

1. Index: A filer must prepare an exhibit index and file the index as an attachment to the main document.
2. Separate Attachment: Each separate exhibit must be filed as a separate attachment to the main document.
3. Size Limitation: If an exhibit exceeds five megabytes, that exhibit must be separated into components of five megabytes or less, and each component of the exhibit must be filed as a separate attachment to the main document.

³ A scanned document creates a much larger file than an electronic document that is converted to .pdf format (e.g., a word processing document printed to Acrobat PDF Writer). Please check file size before filing electronically.

4. Example: Following is a sample exhibit index, for which each exhibit must be filed as a separate attachment to the main document.

<u>Exhibit</u>	<u>Description</u>
A	Affidavit of John Smith
B	Excerpts from Jane Doe's Deposition
C-1 ⁴	Contract Between XYZ Company and ABC Company (Part 1, Pages 1-15)
C-2	Contract Between XYZ Company and ABC Company (Part 2, Pages 16-24)
D	XYZ Company General Ledgers

V. PUBLIC ACCESS

A person may review at the clerk's office any electronic or paper filing that has not been sealed by the Court. A person also may access the Electronic Filing System at the court's Internet site [www.flmd.uscourts.gov] by obtaining a PACER login and password. A person who has PACER access may view and download a docket sheet in any civil or criminal case. A person may also view any document that has been filed electronically in a civil case and any document that has been filed electronically after October 31, 2004 in a criminal case. A paper format copy and a certified copy of an electronically filed document may be purchased at the clerk's office.

⁴In this example Exhibit C exceeds five megabytes. C-1 contains up to five megabytes and C-2 contains the remainder of the exhibit.

ECF ATTORNEY REGISTRATION FORM

This form shall be used to register for an account on the Court's Case Management/Electronic Case Files (CM/ECF) system. A registered attorney or any other authorized participant will be permitted to electronically submit a document and to view and retrieve an electronic docket sheet and a document for a case.

"*" denotes a required field

Personal Information _____

First Name* _____

Middle Name _____

Last Name* _____

Bar Number* _____

Bar State* _____

Phone Number* _____

Fax Number _____

Primary E-mail* _____

Your login and password will be sent to the e-mail address entered above. You must enter a valid e-mail address in order to obtain an ECF login.

Additional E-mail _____

If you would like a notice sent to another e-mail address, in addition to your primary e-mail address, please enter it in the field above.

E-mail Format

HTML - Recommended for most e-mail clients

Plain Text - Recommended for cc:Mail, Groupwise, and older e-mail clients which can't process HTML e-mail

Current Login _____

If you already have an ECF login with another Court, please enter it in the field above. The same login, if available, will be assigned to you for the Middle District of Florida.

Firm Information - Mailing Address

Firm Name*

P.O. Box*

Street*

Suite #

City*

State*

Zip + 4*

By submitting this registration form, the undersigned agrees to the following:

1. Case Management/Electronic Case Filing [CM/ECF] is for electronic filing in the United States District Court for the Middle District of Florida.
2. An attorney will be assigned a login and password by the Clerk. Each attorney desiring to file a pleading or other paper electronically must complete and sign an attorney registration form. An attorney must protect and secure the password issued by the Clerk. If there is any reason to suspect the password has been compromised in any way, it is the duty of the attorney to immediately change the password.
3. Pursuant to Federal Rule of Civil Procedure 11, every pleading, motion and other paper shall be signed by at least one attorney of record, or, if the party is not represented by an attorney, all papers shall be signed by the party. The electronic filing of a petition, pleading, motion, or other paper by an attorney who is a registered participant in the Electronic Filing System shall constitute the signature of that attorney under Federal Rule of Civil Procedure 11.
4. By signing this registration form, **the undersigned consents to receive notice electronically**, and waives the right to receive notice by personal service or first class mail of any document filed electronically pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), except with regard to service of a complaint and summons. This registration form does not constitute consent to electronic service of a document that is not filed with the Court (such as a Rule 26 disclosure or a discovery request), but consent to electronic service of such paper may be given separately, in writing, in accordance with Federal Rule of Civil Procedure 5(b)(2)(D).
5. A user accesses Court information via the Court's Internet site or through the Public Access to Court Electronic Records (PACER) Service Center. Although the Court manages the procedures for electronic filing, all electronic public access to a case file occurs through PACER. A PACER login is required, in addition to the login and password issued by the Court for electronic filing. A person can register for

PACER through the PACER website: <http://pacer.psc.uscourts.gov>.

6. By this registration, the undersigned has read and agrees to abide by the Administrative Procedures for Electronic Filing in Civil and Criminal Cases, the Attorney User's Manual developed by the clerk's office, and any changes or additions that may be made thereto.

Date

s/_____

Attorney/Participant Signature

Type your full name, prefixed with "s/", in the field above to acknowledge that you have read and understand the information in this document.

FORM B

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

SAMPLE FORMATS - CERTIFICATE OF SERVICE

Sample A

I hereby certify that on _____ (date) _____, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participants:_____.

s/ Attorney's Name _____
Attorney's Name
Attorney's Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Phone Number
Fax Number
Attorney's E-mail Address

Sample B

I hereby certify that on _____ (date) _____, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participants:_____.

s/ Attorney's Name _____
Attorney's Name
Attorney's Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Phone Number
Fax Number
Attorney's E-mail Address